

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Mark Williams,

Plaintiffs,

vs.

Walmart, Inc.,

Defendant.

Civil Action No.:

**DEFENDANT'S NOTICE OF
REMOVAL**

1. Defendant Walmart, Inc. (hereinafter, "Defendant") files this Notice of Removal of the above-titled action from the Court of Common Pleas of Laurens County, South Carolina, to the United States Court for the District of South Carolina, Greenville Division, pursuant to 28 U.S.C. § 1441.

2. The above-titled action was instituted by the Plaintiff against the Defendant by service of a Summons and Complaint that was filed on October 4, 2021, in the Laurens County Court of Common Pleas, after which Plaintiff filed an Amended Complaint on December 1, 2021. Plaintiff served the Amended Complaint on Defendant via its registered agent, CT Corporation, on December 27, 2021. This action is currently pending in the Court of Common Pleas for Laurens County, South Carolina, Case No. 2021-CP-30-00837. No further proceedings have been filed and the Summons and Complaint constitute all process, pleadings or orders properly served in this action. Pursuant to 28 U.S.C. § 1446(a), Defendant files herewith a copy of the Summons and Complaint.

3. There is jurisdiction over this removed action pursuant to 28 U.S.C. § 1441 because Plaintiff could have originally filed the action in this Court pursuant to 28 U.S.C. § 1332. Specifically, this suit is removable because there is complete diversity of citizenship between the

Plaintiff and Defendant and, upon information and belief, based upon Plaintiff's claimed injuries and damages, the amount in controversy in this action exceeds Seventy-Five Thousand and 00/100 Dollars (\$75,000.00), exclusive of interests and costs.

4. At the time of commencement of the action, Plaintiff was and still is a citizen and resident of South Carolina. Defendant, Walmart, Inc., was at the time of the commencement of the action, and still is, a corporate entity organized and existing under the laws of a state other than South Carolina and having its principal place of business in a state other than South Carolina. Specifically, pursuant to 28 U.S.C. § 1332(c)(1), Walmart Inc. is a citizen of both Delaware and Arkansas, as it is a Delaware corporation with its principal place of business in Arkansas.

5. Plaintiff's Complaint arises from an alleged incident in which Plaintiff Mark Williams was injured from a shooting at the Walmart distribution center in Laurens, South Carolina, which allegedly resulted in physical injury and harm, past and future medical expenses, past and future lost wages, loss of earning capacity, past and future physical and mental pain and suffering, as well as permanent injuries/impairment and disfigurement to his body, mental, emotional, and psychological damage, and loss of enjoyment of life. Pl.'s Compl. at ¶¶ 14 & 20. Plaintiff alleges that Defendant, by and through its agents, servants, and employees, was negligent and reckless in its training, hiring, retention, managing, and supervision of its employees; failing to take necessary action once Plaintiff notified personnel that another employee made threats of bodily injury and harm against him; failing to enforce certain policies and/or company rules; tolerating workplace violence. *See* Pl.'s Compl. at ¶ 18. Plaintiff also seeks an award of punitive damages. *See* Pl.'s Compl. at Prayer for Relief.

6. Based upon the allegations of Plaintiff's Complaint, the amount in controversy in this matter exceeds the sum of Seventy-Five Thousand 00/100 Dollars (\$75,000.00), exclusive of

interest and costs, and said action is one over which the District Court of the United States has original jurisdiction under 28 U.S.C. § 1332 for the reasons set forth above.

7. Defendant hereby gives counsel for the Plaintiff written notice of the removal of this action and will provide a copy of the filed Notice of Removal to the Clerk of Court for Laurens County, as required by 28 U.S.C. § 1446(d).

8. Defendant files this Notice of Removal within thirty (30) days of the receipt of Plaintiff's Complaint in the state court action, which was the first pleading properly served upon Defendant setting forth Plaintiff's claims for relief.

WHEREFORE, Defendant respectfully submits this Notice of Removal this 26th day of January, 2022.

s/Randi Lynn Roberts

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January 26, 2022

Attorneys for Defendant